

**DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**

As below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed for and for which a patent is sought on the invention entitled

FLEXIBLE ENDOSCOPIC SURGICAL INSTRUMENT FOR INVAGINATION AND FUNDOPLICATION, the specification of which

☒ is attached hereto.

☐ was filed on \_\_\_\_\_

as application Serial Number \_\_\_\_\_

and was amended on (if applicable) \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

_____ (Number)	_____ (Country)	____/____/____ D/M/YR FILED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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_____ (Number)	_____ (Country)	____/____/____ D/M/YR FILED	<input type="checkbox"/> YES <input type="checkbox"/> NO
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I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Ser. No) (Filing Date) (Status-Patented, pending, abandoned)

(Application Ser. No) (Filing Date) (Status-Patented, pending, abandoned)

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

David P. Gordon (29,996)  
Robert E. Atkinson (36,433)  
Luke R. Dohmen (36,783)  
David Cavanaugh (36,476)

Peter J. Gafner (36,517)  
John A. Rissman (33,764)  
Patricia LaMarche (37,866)

Address all correspondence to David P. Gordon, Esq.  
65 Woods End Road  
Stamford, Connecticut 06905  
U.S.A.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SOLE OR FIRST INVENTOR**

Signature Juergen Andrew Kortenbach Date 10-31-97

Full Name Juergen Andrew Kortenbach

Residence 990 Apache Street, Miami Springs, FL 33166

Citizenship: Canada

P.O. Address same as residence

## PATENTS ONLY

Jacket Number SYM-288

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of Conveying party(ies):

Juergen Andrew Kortenbach

Additional name(s) & address(es) attached? ☐ Yes ☐ No

## 2. Name and address of receiving party(ies):

Symbiosis Corporation  
8600 N.W. 41st Street  
Miami, FL 33166Additional name(s) & address(es) attached? ☐ Yes ☐ No

## 3. Nature of conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name

Execution Date: October 31, 1997

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: Oct. 31, 1997

A. Patent Application No.(s)

B. Patent No.(s)

## 5. Name and address of party to whom correspondence concerning document should be mailed:

David P. Gordon, Esq.  
65 Woods End Road  
Stamford, CT 06905

Tel: 203-329-1160

6. Total number of applications and patents involved:  
one (1)

7. Total fee (37 CFR 3.41).....\$ 40.00

☒ Enclosed☐ Authorized to charge deposit account

## 8. Deposit account number:

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

David P. Gordon

Name of Person Signing



Signature

Nov 3 1997

Date

Total number of pages including cover sheet, attachments, and document:

3

## ASSIGNMENT

WHEREAS, I, Juergen Andrew Kortenbach, hereinafter referred to as the "Inventor", a citizen of Canada, whose post office address is 990 Apache Street, Miami Springs, FL 33166;

have invented certain new and useful improvements in

### **FLEXIBLE ENDOSCOPIC SURGICAL INSTRUMENT FOR INVAGINATION AND FUNDOPLICATION**

as described and set forth in an application for Letters Patent of the United States of America, executed by me on the 31 day of OCTOBER, 1997  
(Docket No. SYM-288).

### **AND WHEREAS, SYMBIOSIS CORPORATION**

hereinafter referred to as the "said COMPANY", a corporation duly organized incorporated and existing under the laws of Florida and having a place of business at 8600 N.W. 41st Street, Miami, FL 33166, is desirous of acquiring or confirming its acquisition of the entire right, title and interest in and to said invention, inventions or improvements, and in and to said application, and in and to any and all patents, both of the United States and of all foreign countries, that may be obtained therefor;

NOW, THEREFORE TO ALL WHOM IT MAY CONCERN, BE IT KNOWN, that I, the Inventor, for good and valuable considerations, the receipt and sufficiency of which I hereby acknowledge, have sold, assigned, transferred and conveyed, and by this assignment do sell, assign, transfer and convey, unto said COMPANY, its successors and assigns, the entire right, title and interest throughout the world, in and to our invention, inventions or improvements described or set forth in said application, in any form or embodiment thereof, and in and to said application, and in and to any applications filed in any foreign country based thereon, including the right to file foreign applications under the provisions of any convention or treaty; and in and to any confirmation, divisional, continuation, continuation-in-part, or substitute application which may be filed on said invention, inventions or improvements in the United States or in any foreign country; and in and to any and all patents, certificates, utility models, reissues, extensions, additions or confirmations thereof which may be granted in the United States or in any foreign country upon said invention, inventions or improvements, TO HAVE AND TO HOLD the same to the full end of the term or terms for which any and all such United States and foreign patents and grants may be issued on said invention, inventions or improvements.

AND I do hereby authorize and request the issuing authority to issue any and all of said United States and foreign patents on said application or applications to said COMPANY, its successors and assigns, as the assignee of the entire right, title and interest in and to the same, for the sole use and benefit of said COMPANY, its successors and assigns.

AND I do hereby covenant and warrant that I have full right to convey the entire right, title and interest herein assigned free and clear of all licenses, encumbrances and liens whatsoever, and that I have not executed and will not execute any instruments in conflict herewith.

AND I, for the conditions aforesaid, do hereby covenant and agree to and with the said COMPANY, its successors and assigns, that I, my executors, administrators, or other personal representatives, shall and will do all lawful acts and things, make all rightful oaths, and make, execute, and deliver any and all other instruments in writing, and any and all further applications, papers, powers, affidavits, assignments, disclaimers and other documents, which in the opinion of counsel for said COMPANY, its successors and assigns, may be required or necessary in this or in any foreign country more effectually to secure to and vest in said COMPANY, its successors and assigns, the entire right, title and interest in and to said invention, inventions, or improvements, application or applications, patents, rights, titles, benefits, privileges and advantages hereby sold, assigned, confirmed, transferred and conveyed.

The undersigned hereby grant(s) David P. Gordon the power to insert on this Assignment any further identification which may be necessary in order to comply with the rules of the U.S. Patent and Trademark Office for the recordation of this document.

IN WITNESS WHEREOF, I, Juergen Andrew Kortenbach, have hereunto set my hand and seal this 31 day of OCTOBER, 1997.

Juergen Andrew Kortenbach (L.S.)  
Inventor

State of Florida       )  
                                  ) ss: Miami  
County of Dade        )

BE IT KNOWN, that on this 31 day of OCTOBER, 1997, personally appeared Juergen Andrew Kortenbach to me known and known to me to be the individual described in and who executed the foregoing assignment and he acknowledged to me that he executed the same.

Andrea B. Zack

Notary Public



ANDREA B. ZACK  
COMMISSION # CC 631249  
EXPIRES MAY 4, 2001  
BONDED THRU  
ATLANTIC BONDING CO., INC.

SEAL

My commission expires : MAY 4, 2001

## UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Juergen Andrew Kortenbach

SERIAL NO.: 08/963,523

GROUP ART UNIT: 3309

FILED: November 3, 1997

EXAMINER: n/a

FOR: Flexible Endoscopic Surgical  
Instrument for Invagination  
and Fundoplication

ATT'Y DOCKET: SYM-288

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

REVOCATION OF POWER OF ATTORNEY

The undersigned, a representative authorized to sign on behalf of the assignee owning all of the interest in this application, hereby revokes all powers of attorney or authorization of agent granted in this application before the date of execution hereof.

POWER OF ATTORNEY

Applicant hereby appoints the following attorney(s) and/or agent(s) as attorney, with full power of substitution and revocation, to prosecute this application and to transact all business in connection therewith:

Barbara C. McCurdy (32,120)  
Mark J. Casey (37,796)  
Luke R. Dohmen (36,783)  
David Cavanaugh (36,476)Peter J. Gafner (36,517)  
Leslie I. Bookoff (38,084)  
Patricia LaMarche-Davis (37,866)

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202-408-4047  
202-408-4400 (fax)

Date:

9/17/98

Name:

Titl : Secretary

Symbiosis Corporation